

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ATTICUS MANAGEMENT LLC,

Plaintiff,

Civil Action No. 07 CV 9730 (RPP)

-against-

DECLARATION OF
JONATHAN B. BRUNO

ATTICUS INVESTMENTS LLC,
CRESCENT FUND, LLC, JEFFERY STONE
and JANETTE DILLER STONE

Defendants.

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Jonathan B. Bruno, pursuant to 28 U.S.C. §1746, declares and states under penalty of perjury as follows:

1. I am a partner with the firm Kaufman Borgeest & Ryan LLP, attorneys for plaintiff Atticus Management LLC ("plaintiff"). I submit this declaration in support of plaintiff's Application for Order Authorizing Alternate Service of Summons and Complaint upon Defendant Jeffery Stone, pursuant to Fed. R. Civ. P. 4 (f)(3).

2. Defendant Jeffery Stone, along with the other three co-defendants in this action, is involved in an unrelated action, referred to in Plaintiff's Complaint as the Laidlaw action. Annexed hereto as Exhibit A is a true and accurate copy of the defendants' Verified Answer in the Laidlaw action, in which defendant Stone has admitted to being an officer of both Crescent Fund, LLC ("Crescent") and Atticus Investments LLC ("Atticus Investments") and Diller Stone has admitted to being President and CEO of both Crescent and Atticus Investments.

3. A true and accurate copy of the complaint in the instant action is annexed hereto as Exhibit B.

4. Plaintiff served defendant Atticus Investments on November 29, 2007 and defendant Crescent on November 26, 2007, by way of the New York State, Department of State, Division of Corporations. Plaintiff personally served defendant Janette Diller Stone on November 13, 2007. Annexed hereto as Exhibit C are true and accurate copies of the Affidavits of Service for Atticus Investments, Crescent, and Janette Diller Stone.

5. By letter dated November 20, 2007, I requested that the defendants' attorney in the Laidlaw action, Joseph Cooke, Esq. of Milber Makris Plousadis & Seiden, LLP, accept service on behalf of the defendants, however, he refused. Annexed hereto as Exhibit D are true and accurate copies of the letter I sent to Joseph Cooke, requesting him to accept service and his letter to me refusing to accept service.

6. My firm retained Francis X. Gray, a licensed and bonded private investigator, to serve Diller and Stone either at their Greenwich, Connecticut address or their Wall Street address.

7. On February 19, 2008, a cease and desist letter which was sent to Stone's Greenwich, CT address was returned to me with a label that indicated that the time to forward mail had expired. The label listed the name and address, "Stone, 262 Kamiosaki Shinagawa ky, Tokyo Japan 141 0021." Annexed hereto as Exhibit E is a true and accurate copy of the label on the envelope addressed to Jeffery Stone indicating a forwarding address in Japan. This address is consistent with the address Mr. Gray found for the Wakabayashi Fund, the company whose phone was answered by Jeffery Stone. See Gray Decl. ¶ 12.

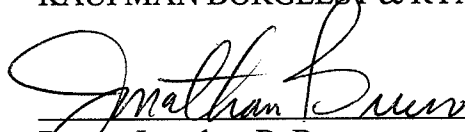
8. In an unrelated action against the same defendants as the instant action, SEC v. Jeffery Steven Stone; Janette Diller Stone; Crescent Fund, LLC. et al. Case No. 06-CV-6528 (S.D.N.Y. filed August 17, 2006) (hereinafter "SEC action"), the SEC made multiple attempts

over the course of months to serve defendants Stone and Diller, which the defendants evaded. Ultimately, the SEC made an application to this court for authority to use alternate means of service upon Stone and Diller, which the Honorable Harold Baer, Jr., granted on March 5, 2007. Annexed hereto as Exhibit F is a true and accurate copy of Judge Baer's Order granting the SEC authority to use alternate means of service on Stone and Diller.

Dated: New York, New York
March 3, 2008

Respectfully Submitted,

KAUFMAN BORGEESE & RYAN LLP

A handwritten signature in black ink, appearing to read "Jonathan B. Bruno", is written over a horizontal line.

By: Jonathan B. Bruno
Attorney for Plaintiff,
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